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ABSTRACT

In "New Jersey v. T.L.O." the U.S. Supreme Court held that the prohibitions of the Fourth Amendment regarding unreasonable searches and seizures apply to student searches and seizures conducted by public school officials. However, the Court said the legality of a search should depend upon "reasonableness, under the circumstances" rather than probable cause, the standard in a criminal search. Reasonableness depends upon whether the search is justified at its inception and permissible in scope. This paper presents findings of a study that assessed public school principals' knowledge and understanding of the "T.L.O." standard. An instrument comprised of 10 vignettes was mailed to 203 principals in urban schools and to 251 principals in suburban schools. They were asked to indicate whether the search in each situation was justified at its inception and permissible in scope. They were also asked to indicate the sanctions that would be imposed for search-and-seizure policy violations across school settings and sizes. Findings indicate that public school principals possess limited knowledge and understanding of the "T.L.O." standard of reasonable suspicion. Although very little relationship was found across school sizes regarding sanctions they would impose, principals in city schools appeared to favor imposing more severe sanctions than their suburban counterparts, especially with regard to exclusion of students for more than 10 school days. Recommendations for further study are offered. Seven tables are included. Appendices contain a copy of the questionnaire, a list of court cases for the 10 selected vignettes, statistical findings, and copies of letters to the principals. (Contains 91 endnotes and 15 references.) (LMI)

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SEARCHES AND SEIZURES IN PUBLIC SCHOOLS

By

Eugene A. Lincoln

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CHAPTER I

INTRODUCTION

In New Jersey v. T.L.O. (T.L.O.),¹ decided in 1985, the U.S. Supreme Court held the Fourth Amendment's prohibitions against unreasonable searches and seizures apply to searches and seizures conducted by public school officials. However, where school officials are acting alone and under their own authority, the Court said the searches and seizures should be based simply upon "reasonableness, under the circumstances";² instead of probable cause--the standard in a criminal case. The Court also held school officials need not obtain a warrant, prior to searching students under their authority.³

In deciding New Jersey v. T.L.O.,⁴ the Court established a two-prong standard (T.L.O. standard)⁵ for determining the legality of searches and seizures conducted by public school officials. First, the search must be justified at its inception.⁶ Second, the search must be permissible in scope.⁷ The Court said a search by school officials will be justified at its inception, "when there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school."⁸ It said a search will be permissible in scope, "when the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction."⁹

Statement of the Problem

The problem of this study was to assess the knowledge and understanding of public school principals concerning the T.L.O. standard and determine the sanctions school principals, across school sizes and settings, would impose for violation of school rules concerning searches and seizures.

The following null hypotheses were tested:

1. There is no significant difference among public school principals, across school sizes and settings, regarding their knowledge and understanding of the T.L.O. standard; and
2. There is no significant difference among public school principals, across school sizes and settings, regarding sanctions school principals would impose for violation of school rules concerning searches and seizures.

Significance of the Study

During the past decade, discipline and disciplining may have been the major problems facing public education in the United States. Based upon a 1990 Elementary and Secondary School Civil Rights Survey,¹⁰ of the 23,998,826 students in the public schools surveyed, 1,318,006, or 5.5 per cent, of the students had been suspended from school. These data appear to raise highly important issues regarding discipline and disciplining in public schools. One issue is whether public school principals have the requisite knowledge and understanding of legal standards concerning rights of students. Another is whether there are variations among school principals, across school sizes and settings, regarding application of legal standards. To decide these issues, additional

needs assessment studies should be conducted. This is one such study.

Delimitations of the Study

This study was delimited to the following:

1. Perceptions of school principals (grades K-12) in a certain geographical area of a northeasterly state of the United States;
2. Ten vignettes regarding searches and seizures in a public school;
3. The "answers" of a panel of experts, regarding whether the search in each of 10 vignettes was justified at its inception and permissible in scope; and
4. Perceptions of school principals regarding sanctions they would impose for violation of school rules regarding searches and seizures.

Definition of Terms

The following definitions were used to provide clarity in the study:

City school. A school located within a geographical area, with a population of 150,000 residents or more.

Expulsion. Disciplinary exclusion of a student from a public school for more than 10 consecutive school days or permanently.

Justified at its inception. The first prong of the T.L.O. standard, i.e., whether there are reasonable grounds for suspecting a search will provide evidence a student has violated or is violating the law or a school rule.

Panel of experts. Five criminal law professors that provided "answers" regarding whether the search in each vignette was justified at its inception and permissible in scope.

Permissible in scope. The second prong of the T.L.O. standard, i.e., whether the measures adopted for the search are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

Public school district. A political subdivision, organized under the laws of the particular state and supported by public taxes.

Public school official. A school board member, an administrator, a counselor, a teacher, or other professional having authority over students.

Reasonable suspicion. The T.L.O. standard for assessing the legality of searches and seizures conducted by public school officials.

Reasonableness. The T.L.O. standard for assessing the legality of searches and seizures conducted by public school officials.

School principal. A public school principal, or his/her designee.

School setting. The location of a school, i.e., a city school or suburban school.

School size. The enrollment in a public school of "Under 500" and "500 and Over" students.

Suburban school. A school located within a geographical areas, with a population of less than 150,000 residents.

Suspension. Disciplinary exclusion of a student from a public school for up to 10 school days.

T.L.O. The decision of the U.S. Supreme Court in the case of New Jersey v. T.L.O.

T.L.O. standard. The two-prong standard established in New Jersey v. T.L.O.;

also known as the T.L.O. standard of reasonableness or reasonable suspicion.

Procedures

The following procedures were used in conducting the study:

1. The literature regarding searches and seizures was reviewed;
2. The problem was selected and defined;
3. Sixteen court cases concerning searches and seizures in a public school were selected and a vignette was written for each case;
4. Based upon the vignettes, an instrument was designed for use in the study;
5. The instrument was administered to graduate students enrolled at a major university in a northeasterly state of the United States;
6. The instrument was revised several times and submitted to a panel of experts, i.e., five criminal law professors;
7. Based upon their knowledge of the T.L.O. standard, the panel of experts was asked to determine whether the search in each of the 16 vignette was justified at its inception and permissible in scope;
8. Where at least four, or 80%, of the panel members agreed the search in a vignette was justified at its inception and permissible in scope, the vignette was selected and used in designing the instrument for the study;
9. Ten of the 16 vignettes were included in the final instrument;
10. A mailing list was compiled of public school principals in grades K through 12 in a certain geographical area of a northeasterly state of the United States;

11. Each principal was mailed a letter requesting his/her participation in the study, an instrument, and a self-addressed, stamped envelope;
12. After about three weeks, a follow-up letter, enclosing the instrument and a self-addressed, stamped envelope was mailed to each principal that had not responded to the initial request;
13. Responses for each instrument were recorded on the General Purpose NCS Answer Sheet form no. 4521 and processed on the computer;
14. Using the responses of the panel of experts as "answers" for the 10 vignettes, the data were analyzed to determine whether the search in each vignette was justified at its inception and permissible in scope; and
15. Conclusions and recommendations were made.

CHAPTER II

REVIEW OF RELATED LAW

The Fourth Amendment of the U.S. Constitution states:¹¹

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized. (Emphasis added)

The Fourth Amendment protects the people in their persons, houses, papers, and effects against unreasonable searches and seizures, but not against reasonable searches and seizures. To determine whether the Fourth Amendment is applicable in a particular case, at least two issues should be raised. First, is there a search? Second, if so, is the search unreasonable?

To constitute a search, under the Fourth Amendment: (1) there must be an invasion of a "place" or "thing";¹² (2) a person must have a subjective expectation of privacy in the "place" or "thing";¹³ and (3) the subjective expectation of privacy must be legitimate. That is, society must be willing to recognize the expectation of privacy as reasonable.¹⁴

Whether a search is unreasonable depends upon the totality of the circumstances surrounding the case.¹⁵ In determining whether the search was unreasonable, factors

to consider include: (1) notice of the search; (2) evidence seized; (3) criminal charges filed; and (4) involvement of law enforcement officers¹⁶

While students in a public school have rights, under the Fourth Amendment,¹⁷ school officials are responsible for order and discipline in the school. The rights of students, on the one hand, and the responsibility of school officials, on the other hand, are often competing and should be balanced, based upon reasonableness. In Zamora v. Pomeroy, the court stated:¹⁸

The basic theory is that although a student has rights under the Fourth Amendment, these rights must yield to the extent that they interfere with the school administration's fundamental duty to operate the school as an educational institution and that a reasonable right to inspect is necessary in the performance of its duties, even though it may infringe, to some degree, on a student's Fourth Amendment rights.

In deciding New Jersey v. T.L.O.,¹⁹ the Supreme Court left unanswered at least three questions. For clarity, the review of related law was based upon these three questions. First, do students in a public school have a legitimate expectation of privacy in school lockers, desks, property for storage of school supplies, or their persons or personal belongings?²⁰ Second, is individualized suspicion an essential element of the T.L.O. standard?²¹ Third, what is the applicable standard for assessing the legality of student searches and seizures conducted by school officials "in conjunction with" or "at the behest of" law enforcement officers?²²

Is there a legitimate expectation of privacy?

Lower courts have held students in a public school have a legitimate expectation of privacy in their school lockers;²³ persons;²⁴ personal belongings;²⁵ automobiles;²⁶ pockets of clothing;²⁷ luggage;²⁸ bookbags;²⁹ and briefcases.³⁰ Therefore, at least in

these jurisdictions, searches and seizures of such "places" or "things" should be based upon reasonable suspicion.

The reasonable suspicion required for a search and seizure appears to fall somewhere on a continuum between a mere hunch and probably cause a search would uncover evidence the student has violated or is violating the law or a school rule. Further, reasonable suspicion appears to be directly related to a student's legitimate expectation of privacy in the "place" or "thing" searched and indirectly related to the threat to the health, welfare, and safety of teachers, students, and others on school premises. For example, a student has a legitimate expectation of privacy in his/her body fluids and in his/her school locker. The expectation of privacy in the body fluids is greater than the expectation of privacy in the school locker. Therefore, a greater level of reasonable suspicion would be required for a constitutional search of the body fluids than the school locker.

On the other hand, the threat to the health, welfare, and safety of teachers, students, and others on school premises appears to be indirectly related to the reasonable suspicion required for a search. That is, an increase in the threat to the health, welfare, and safety results in a decrease in the reasonable suspicion required for a constitutional search. This suggests that a lower level of reasonable suspicion may be required, for example, for a search of a student's locker for a bomb or other incendiary device than for a search of the locker for drugs or other contraband.

In In the Interest of S.C.,³¹ the court stated:³²

Suffice it to say that the student's expectation of privacy in a school locker is considerably less than he would have in the privacy of his home or

even, perhaps, his automobile. Because that interest is less than in these other circumstances, and because it necessarily clashes with the broad discretionary authority and responsibility of the school officials, a lesser showing [of reasonable suspicion] is required before school officials may have authority to search a student's locker.

Prior to conducting a search, school officials should have reasonable grounds for suspecting the search will uncover evidence a student has either violated or is violating the law or a school rule.³³ Grounds for suspecting wrongdoing may be based on many factors, including: (1) observation of a school official; (2) statement of an informant; or (3) the "alert" of a sniffer dog.

Observation of a school official — In In the Interest of Guy Dumas,³⁴ a teacher observed a student, Guy Dumas (Dumas), remove a pack of cigarettes from his school locker and give one of the cigarettes to another student. The teacher immediately informed an assistant principal. Approaching the two students, the assistant principal searched Dumas and found a pack of cigarettes. The assistant principal then searched Dumas' school locker and found a pack of cigarettes containing marijuana inside a jacket pocket. Concluding the search of Dumas was based on reasonable suspicion, the court upheld the search. Concluding the search of Dumas' school locker was not based upon reasonable suspicion, the court held the search was unconstitutional. In reaching its conclusion, the court said simply finding a pack of cigarettes on Dumas' person did not provide reasonable suspicion for suspecting cigarettes and marijuana would be found inside the locker.

Where school officials conduct a search, based upon reasonable suspicion, and evidence is uncovered of a violation of a law or school rule, but not the violation

suspected, may school officials impose sanctions on the student for the other violation?

The answer appears to depend upon the scope of the search.

In State v. Joseph T.³⁵ In the case, a school official smelled alcohol on a student's breath. The student admitted having beer at another student's home on the way to school that day. Believing the other student may have brought an alcoholic beverage to school that day, in violation of a school rule, the school official searched the other student's locker. No alcoholic beverage was found in the locker, but various items were found in a jacket, including wooden pipes, wrapper paper for making cigarettes, and a small plastic box. The plastic box contained marijuana cigarettes. Concluding the search was based on reasonable suspicion an alcoholic beverage would be found in the locker, and because the scope of the search was limited to the locker, the court held the search was legal. In reaching its decision, the court stated:³⁶

[W]here an assistant principal of a public school had reasonable grounds for suspecting that the locker of a public school student contained an alcoholic beverage in violation of the rules of the school, and a warrantless search of the student's locker revealed a number of marijuana cigarettes, the search...did not constitute a violation of the student's rights...to security against unreasonable searches and seizures.

Statement of an informant - Generally speaking, an informant may be presumed reliable, where the informant purports to be an eyewitness or victim of a violation of a law or school rule; is willing to give a statement concerning the alleged violation; or is willing to identify himself/herself.³⁷ Therefore, a statement by an informant may provide reasonable suspicion for a search by school officials.³⁸ However, prior to the search, a good-faith effort should be made to determine the informant's reliability.

Alert of a sniffer dog - Jones v. Latexo Independent School District³⁹ is perhaps the leading case concerning using a sniffer dog in a public school to detect drugs and other contraband. In the case, a sniffer dog was used to sniff students and their automobiles for marijuana and other contraband. Where the dog "alerted" to a student or an automobile,⁴⁰ the student or automobile was searched.

Jones v. Latexo Independent School District⁴¹ was decided, based primarily upon two Supreme Court cases: Katz v. United States⁴² and Marshall v. United States.⁴³ In the Katz case,⁴⁴ a "bug" was used to monitor an otherwise inaudible conversation. The Court concluded the "bug" substituted for human hearing and, therefore, constituted a search.⁴⁵ On the other hand, in the Marshall case,⁴⁶ a flashlight was used to view objects at night. The Court concluded the flashlight was not a substitute for human hearing, and merely "enhanced human perception in the darkness".⁴⁷ According to the Court, the flashlight was within the "plain view" doctrine and, therefore, did not constitute a search.

In deciding the Jones case,⁴⁸ the court said Katz⁴⁹ and Marshall⁵⁰ represent two extremes concerning surveillance devices. However, the court concluded using a sniffer dog to detect drugs and other contraband was more analogous to the "bug" in Katz⁵¹ than the flashlight in Marshall⁵²; more similar to an x-ray machine than a flashlight; and virtually equivalent to physical entry into the pockets of a student and his\her personal possessions.⁵³

Using a sniffer dog to detect drugs and other contraband raises at least two important questions.⁵⁴ First, does the dog's sniffing constitute a search? The answer

appears to depend upon whether there is a legitimate expectation of privacy in the "place" or "thing" sniffed. For example, a student has a legitimate expectation of privacy in his/her person. Therefore, using a dog to sniff a student's person generally constitute a search, especially where the dog's nose touches the student's person. On the other hand, a student generally does not have a legitimate expectation of privacy in the airspace around his/her school locker or other inanimate object in "plain view."⁵⁵ Using a dog to sniff the airspace around a school locker or other inanimate object probably does not constitutes a search.

Second, does a dog's "alert" to a student constitute a search? It has been held where a dog sniffs the airspace around a student, "alerts" to the student, and the student is required to empty his/her pockets, the dog's "alert" constitutes a search⁵⁶ and should be based upon reasonable suspicion. It has been held that, where such "alert" is not based upon reasonable suspicion, the search may be unconstitutional.⁵⁷

In summary, the following legal principles may be stated:

1. While the Supreme Court left unanswered the issue regarding whether students in a public school have a legitimate expectation of privacy in school lockers; their person; personal belongings; luggage; bookbags; pockets of clothing; automobiles; and briefcases, lower courts have held the students do have a legitimate expectation of privacy in such "places" or "things."

2. Where a student has a legitimate expectation of privacy in a "place" or "thing", a search of the "place" or "thing" should be based upon reasonable suspicion. Otherwise, the search is probably unconstitutional.

3. Generally speaking, a student does not have a legitimate expectation of privacy in the airspace surrounding an inanimate object, e.g., school locker. Therefore, where a dog merely sniffs the airspace surrounding such objects, the sniff probably does not constitute a search.

4. There appears to be a direct relationship between a student's legitimate expectation of privacy in a "place" or "thing" searched and the level of reasonable suspicion required for a legal search. That is, an increase in the student's legitimate expectation of privacy results in an increase in the reasonable suspicion required for the search.

5. There appears to be an indirect relationship between the threat to health, welfare, and safety of teachers, students, and others on school premises and reasonable suspicion required a legal search. That is, an increase in the threat to health, welfare, and safety results in a decrease in the level of reasonable suspicion required for a search.

6. Where school officials conduct multiple searches, each search should be based upon reasonable suspicion.

7. Where school officials conduct a search, based upon reasonable suspicion, and evidence is uncovered regarding a violation of a different law or school rule, sanctions may be imposed upon the student for the other violation, depending upon the scope of the search.

8. Reasonable suspicion for a search may be based upon an observation of a school official, a statement of an informant, or an "alert" of a sniffer dog.

Is individualized suspicion essential?

Whether individualized suspicion is an essential element of reasonable suspicion is somewhat unclear. However, it is clear school officials cannot search students merely to "fish for evidence of wrongdoing".⁵⁸ To determine whether individualized suspicion is an essential, at least three major issues should be considered: (1) intrusiveness of the search; (2) number of students searched; and (3) danger or threat of danger to others.

Intrusiveness of the search. The intrusiveness of a search appears to depend upon the right of privacy invaded, nature of the infraction, and age and sex of the student.⁵⁹ The strip search, for example, is generally intrusive. Therefore, individualized suspicion appears to be an essential element of the reasonable suspicion required for a strip search. In Bellnier v. Lund,⁶⁰ an entire fifth grade class was strip searched, when a student in the class claimed he was missing \$3.00. Concluding the search was unconstitutional, in the absence of individualized, the court stated:⁶¹

It is entirely possible that there was reasonable suspicion, and even probable cause, based upon the facts, to believe that someone in the classroom has possession of the stolen money. There were no facts, however, which allowed the officials to particularize with respect to which students might possess the money, something which has time and again, with exceptions not relevant to this case, been found to be necessary to a reasonable search under the Fourth Amendment. (Emphasis added)

In Horton v. Goose Creek Independent School District,⁶² a canine dog sniffed students in the classroom to detect drugs or other contraband. In reaching its decision, the court concluded that, where the dog "alerted" to students, placed its nose on the students, and scratched and manifested other signs of excitement, the search was unconstitutional, in the absence of individualized suspicion. The court said:⁶³

The intrusion on dignity and personal security that goes with the type of canine inspection of the student's person involved in this case cannot be justified by the need to prevent abuse of drugs and alcohol when there is no individualized suspicion. . . .

Number of students searched. Individualized suspicion may be an essential element of reasonable suspicion, depending upon the number of students involved. In the case of Kuehn v. Renton School District No. 403,⁶⁴ based upon a school policy, students going on a tour with the school band were required to permit a search of their luggage, prior to departure. When a student refused to permit a search of his luggage, the student was not allowed to go on the tour. Because the policy permitted a search of a large number of students, without individualized suspicion, the court held the policy was unconstitutional. According to the court:⁶⁵

The validity of searches of school children by school officials is judged by the reasonable belief standard. The reasonable belief standard requires that there be a reasonable belief on the part of the searching school official that the individual student searched possesses a prohibited item. When school officials search large groups of students solely for the purpose of deterring disruptive conduct and without any suspicion of each individual searched, the search does not meet the reasonable belief standard. Because the search at issue here was conducted without individualized suspicion the student's rights under the Fourth Amendment were violated.

Burnham v. West⁶⁶ also involved a search of a large number of students. In fact, the Burnham⁶⁷ case involves two searches. In the first search, a teacher observed several students getting off the school buses carrying "Walkmen" or radios and informed the principal. The principal ordered a search of the pocketbooks of the students in the school for "Walkmen or similar devices."⁶⁸ In the second search, a teacher informed the principal she smelled marijuana smoke in the hallways near the cafeteria. The principal went to the hallway areas and detected a strong smell of marijuana. The principal then

made a few observations and inquiries, ordered a search of pocketbooks and bookbags of all students, and ordered a search of the pockets of all male students. The court concluded the searches were unconstitutional, because they were "unjustified ab initio, for lack of individualized suspicion"⁶⁹

Danger or threat of danger to others. Whether individualized suspicion is an essential element of "reasonable suspicion" also depends upon the danger or threat of danger to others. In the case of Alexander B. v. The People,⁷⁰ a school official separated two groups of students. While taking the students to the school principal's office, one of the students (unidentified) told the school official a student in the third group of five or six students had a gun. The third group of five or six students were searched, and a machete knife and scabbard were found. The three groups had been involved in a confrontation. Some of the students were members of gangs. Concluding the search of five or six students was constitutional, in the absence of individualized suspicion,⁷¹ the court noted:⁷²

[T]he gravity of the danger posed by possession of a firearm or other weapon on campus was great compared to the relatively minor intrusion involved in investigating the veracity of the unidentified student's accusation against a handful of high-school-age boys. . . . Here, suspicion was focused on a group of five or six students. Given the potential danger to students and staff which would have resulted from inaction, the weapons search of the several accused students was reasonable.

In summary, the following legal principles may be stated:

1. Individualized suspicion appears to be an essential element of reasonable suspicion, depending upon such factors as the intrusiveness of the search, number of students involved, and danger or threat of danger to others.

2. Under certain circumstances, in the absence of individualized suspicion, a search may be unconstitutional.

What is the applicable standard?

While reasonable suspicion should be the standard for a search conducted by school officials, reasonable suspicion may also be the standard for a search conducted by school officials "in conjunction with" law enforcement officers.⁷³ Generally, such search may be "in conjunction with" law enforcement officers, where: (1) school officials act under their own authority, and not as agents of law enforcement officers;⁷⁴ (2) law enforcement officers are on school premises, but do not participate in the search;⁷⁵ and (3) law enforcement officers are on school premises, but merely assist school officials in the search.⁷⁶

It has been held that where guidelines are established by a local school board regarding use of a hand-held scanning devices by law enforcement officers to search students for weapons, "reasonable suspicion" should be the standard, depending upon the intrusiveness of the search and the danger or threat of danger to others.⁷⁷ Further, it has been held that, where a metal detector was "minimally intrusive"⁷⁸ and a need for safety on school premises existed, "reasonable suspicion" was the applicable standard.⁷⁹ Finally, where law enforcement officers assigned to a school conducted a search instigated by school officials, based upon "reasonable suspicion", the search was upheld, especially where the search was on school premises.⁸⁰

On the other hand, where school officials conduct a search "at the behest of" law enforcement officers,⁸¹ "probable cause" appears to be the appropriate standard.⁸²

Under such circumstances, presumably, school officials act as agents of law enforcement officers.

In summary, the following legal principles may be stated:

1. The standard of "reasonable suspicion" appears to be appropriate, where school officials conduct a search "in conjunction with" law enforcement officers, but not "at the behest of" law enforcement officers.

2. A search appears to be conducted "in conjunction with" law enforcement officers, where school officials act under their own authority, and not as agents of law enforcement officers; law enforcement officers are present, during the search, but do not participate in the search; and (3) law enforcement officers are present, but merely assist school officials in the search.

3. Where a search is conducted by school officials "at the behest of" law enforcement officers, "probable cause" appears to be the proper standard.

CHAPTER III

METHODOLOGY

Public school principals in a northeasterly state of the United States were surveyed to determine whether school principals have the requisite knowledge and understanding of the T.L.O. standard,⁸³ for assessing the legality of searches and seizures in a public school. The school principals were also surveyed to determine the sanctions principals, or their designee, across school settings and sizes would impose for violation of school rules concerning searches and seizures.

Development of the Instrument

To develop the instrument for the study, 16 lower court cases pertaining to searches and seizures in a public school were selected.⁸⁴ For each case, a vignette was written. Using a three-point scale, graduate students in education were asked to indicate whether the search in each of the 16 vignette was "justified at its inception" and "permissible in scope". If a participant believed the search was "justified at its inception", the participant was asked to place the letter "x" in the space for "AGREE". If the participant was unsure or believed the search was not "justified at its inception," the "x" was placed in the space for "UNSURE" or "DISAGREE", respectively. If the search was "permissible in scope", the "x" was placed in the space for "AGREE". Otherwise, the "x" was placed in the space for "UNSURE" or "DISAGREE", respectively.

Following several revisions, the 16 vignettes were submitted to a panel of experts, i.e., five criminal law professors. The panel was asked to indicate whether the search in each vignette was "justified at its inception" and "permissible in scope." Where at

least four, or 80%, panel members indicated a search was "justified at its inception" and "permissible in scope," the vignette was selected and included in the final instrument. Ten vignettes were selected for the study. The 10 cases appear in Appendix "A".⁸⁵

A mailing list was obtained of school principals in public schools (K through 12). Each principal was mailed a letter requesting participation in the study, the instrument, and a self-addressed, stamped envelope. After about three weeks, a follow-up letter, enclosing the instrument and a self-addressed, stamped envelope, was mailed to each school principals that had not responded to the initial request.

CHAPTER IV

RESULTS

The data for this study were obtained from instruments returned by 73, or 36 percent, of the 203 public school principals in city schools and 138, or 55 percent, of the 251 public school principals in suburban schools. A total of 211, or 46.5 percent, of the 454 school principals returned usable instruments. Table 1 shows the school principals included in the study, by school size and location.

TABLE 1

PRINCIPALS INCLUDED IN THE STUDY, BY SCHOOL SIZE AND LOCATION

Location	Under 500 (N = 86)		500 and Over (N = 125)		Total	Percent
	f	%	N	%		
City	36	41.9	37	29.6	73	34.6
Suburban	50	58.1	88	70.4	138	65.4
Total	86	100.0 (40.8)*	125	100.0 (59.2)*	211	100.0 (100)*

*Percent of Total

Eighty-six, or more than 40 percent, of the school principals were assigned to schools having an enrollment of "Under 500" students, while 125, or slightly more than 59 percent, were assigned to schools having an enrollment of "500 and Over." A total of 73 school principals, or slightly less than 35 percent, were in city schools, while 138, or about 65 percent, were in suburban schools.

Two hypotheses were examined. First, there was no significant difference between public school principals across school settings (city and suburban) and school sizes ("Under 500" and "500 and Over"), regarding their knowledge and understanding

of the T.L.O. standard concerning searches and seizures conducted by school principals. Second, there was no significant difference between public school principals across school settings (city and suburban) and school sizes ("Under 500" and "500 and Over"), regarding sanctions school principals would impose for violation of school policy concerning searches and seizures. The results for Hypotheses Nos. 1 and 2 appear in Appendix B. The tables in Appendix B are numbered to correspond to the 10 vignette.

Hypothesis No. 1 - The data were examined to determine whether the search in each vignette was: (1) justified at its inception; and (2) permissible in scope. Using the "answers" of the panel of experts, the number correct of "justifiable" scores was calculated. The means and standard deviations of these "justifiable" scores appear in Table 2, according to school location and size.

TABLE 2

MEANS AND STANDARD DEVIATIONS FOR TOTAL CORRECT "JUSTIFIABLE" SCORES, BY SCHOOL SIZE AND SETTING

Location	Under 500 (N = 86)			500 and Over (N = 125)		
	f	M	SD	f	M	SD
City	36	5.64	1.73	37	5.35	1.44
Suburban	50	5.16	2.05	88	5.82	1.47

To determine whether these "justifiable" scores were significantly different, across school settings and sizes, a two-way ANOVA was done. The results are shown in Table 3. The F-values for the main effects and interaction are not significant at the .05 level, indicating the average number correct did not differ among school principals, across school settings or sizes.

TABLE 3**ANOVA SUMMARY TABLE FOR TOTAL CORRECT "JUSTIFIABLE" SCORES**

Source	df	MS	F
Location	1	0.00	0.00
Size	1	1.59	0.58
Location x Size	1	10.38	3.75

Using the "answers" of the experts, the number correct of "permissible" scores was calculated. The means and standard deviations are in Table 4. The ANOVA summary is in Table 5. The F-values are not significant at the .05 level, indicating the average number correct did not differ among school principals, across school settings or sizes.

TABLE 4**MEANS AND STANDARD DEVIATIONS FOR TOTAL CORRECT "PERMISSIBLE" SCORES, BY SCHOOL SIZE AND LOCATION**

Location	Under 500 (N = 86)			500 and Over (N = 125)		
	f	M	SD	f	M	SD
City	36	5.50	1.53	37	5.38	1.34
Suburban	50	4.92	2.17	88	5.41	1.61

TABLE 5**ANOVA SUMMARY TABLE FOR TOTAL CORRECT "PERMISSIBLE" SCORES**

Source	df	MS	F
Location	1	3.50	1.19
Size	1	1.57	0.54
Location x Size	1	4.34	1.48

These data indicate the first hypothesis was not rejected for either the "justifiable" scores or "permissible" scores. There were no significant differences in the means scores of school principals across school settings or school size, and no significant interaction between the two variables.

Hypothesis No. 2 - The second part of the instrument pertained to drugs or other contraband seized by principals during a search. The principals were asked to select one of five choices to reflect the policy in effect at their schools, regarding the number of days a student would be excluded from school for violations. This data were examined across school settings and also sizes. The results are presented in Appendix B. The null hypotheses being tested are that there was no significant differences between principals across school settings (city and suburban), regarding sanctions school principals would impose for violation of school policy, and there was no significant differences between principals across school sizes ("Under 500" and "500 and Over"), regarding sanctions imposed for violation of school policy. The results of the chi-square analyses appear in Appendix B. The null hypothesis regarding sanctions school principals would impose across school sizes for violation of school policy was rejected at the .05 level for Vignettes 1, 2, 7, and 10. The null hypothesis regarding sanctions that would be imposed across school settings was rejected at the .05 level in nine of the 10 vignettes: Vignettes 1, 2, 3, 4, 5, 6, 7, 9, and 10.

There appears to be a noticeable difference between the responses of principals in city schools and the responses of principals in suburban schools, pertaining to the exclusion of students from school for more than 10 school days for violation of school

policy. For example, in Vignette 1 (Table 1 - Appendix B), slightly more than 68 percent of the principals in city schools indicated a student would be excluded from school more than 10 school days for violation of school policy, compared to only about 21 percent of the principals in suburban schools. However, the results are more similar, regarding exclusion of a student from school for seven or more days. Slightly less than 78 percent of the principals in city schools indicated a student would be excluded seven or more days, compared with about 70 percent of the principals in suburban schools. Regarding school size, in Vignette 1 (Table 1 - Appendix B), for example, the results appear to be highly similar. Table 6 shows a summary of the chi-square analyses.

TABLE 6

SUMMARY OF SIGNIFICANCE OF CHI-SQUARE STATISTICS REGARDING SANCTIONS

VIGNETTE	SCHOOL SIZE	SCHOOL SETTING
1	Yes	Yes
2	Yes	Yes
3	No	Yes
4	No	Yes
5	No	Yes
6	No	Yes
7	Yes	Yes
8	No	No
9	No	Yes
10	Yes	Yes

Finally, according to the experts, the search in only four, or 40 percent, of the vignettes was justified at its inception and permissible in scope, while the school principals indicated the search in each of the 10 vignettes was justified at its inception and permissible in scope. A summary of the responses appears in Table 7.

TABLE 7.

RESPONSES OF EXPERTS AND SCHOOL PRINCIPALS REGARDING WHETHER THE SEARCH IN EACH VIGNETTE WAS JUSTIFIED AT ITS INCEPTION AND PERMISSIBLE IN SCOPE

VIGNETTE	EXPERTS		SCHOOL PRINCIPALS	
	JUSTIFIED AT ITS INCEPTION	PERMISSIBLE IN SCOPE	JUSTIFIED AT ITS INCEPTION	PERMISSIBLE IN SCOPE
1	No	No	Yes	Yes
2	No	No	Yes	Yes
3	No	No	Yes	Yes
4	Yes	Yes	Yes	Yes
5	No	No	Yes	Yes
6	Yes	Yes	Yes	Yes
7	Yes	Yes	Yes	Yes
8	Yes	Yes	Yes	Yes
9	Yes	Yes	Yes	Yes
10	Yes	Yes	Yes	Yes

CHAPTER V

SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS

Introduction

In New Jersey v. T.L.O.⁸⁶ the Supreme Court held the prohibitions of the Fourth Amendment regarding unreasonable searches and seizures apply to student searches and seizures conducted by public school officials.⁸⁷ However, the Court said the legality of a search should depend upon "reasonableness," under the circumstances; instead of "probable cause," the standard in a criminal search.⁸⁸ Reasonableness depends upon whether the search is justified at its inception⁸⁹ and permissible in scope.⁹⁰

Statement of the Problem

The problem of this study was to assess the knowledge and understanding of principals, or their designee, concerning the T.L.O. standard and determine the sanctions principals across school settings and sizes would impose for violation of school rules concerning searches and seizures.

The following null hypotheses were tested:

1. There is no significant difference among public school principals across school settings and sizes regarding their knowledge and understanding of the T.L.O. standard; and
2. There is no significant difference among public school principals across school settings and sizes regarding sanctions school principals, or their designee, would impose for violation of school rules concerning searches and seizures.

Procedure

An instrument consisting of 10 vignettes was designed for the study and mailed to 203 principals in city schools and 251 principals in suburban school. Using the "answers" of a panel of experts, the principals were asked to indicate whether the search in each of 10 vignettes was justified at its inception and permissible in scope. The principals were also asked to indicate the sanctions that would be imposed across school settings and sizes for violations of school policy. Seventy-three, or about 36 percent, of the 203 principals in city schools and 138, or about 55 percent, of the 251 principals in suburban schools returned instruments, for a total of 211, or 46.5 percent, of the 454 instruments mailed. The responses were recorded on the General Purpose NCS Answer Sheet form no. 4521 and processed on the computer.

Findings

The findings were presented for: (1) School size - "Under 500" and "500 and Over" schools;⁹¹ (2) School settings - City and Suburban schools, and (3) School principals and experts.

School size. More than 50 percent of the school principals in "Under 500" and "500 and Over" schools indicated the search in each of the 10 vignettes was justified at its inception and permissible in scope. However, a greater percentage of the principals in "500 and Over" schools than in "Under 500" schools indicated the search in eight of the 10 vignettes (Vignettes 2, 3, 4, 5, 7, 8, 9, and 10) was justified at its inception and permissible in scope. Eighty-six percent or more of the principals in "500 and Over" schools indicated searches in Vignettes 3, 4, 9, and 10 were justified at the inception and

permissible in scope, while 86 percent or more of the principals in "Under 500" schools indicated only one search (Vignette 9) was justified at the inception and permissible in scope.

Regarding violation of school policy, for Vignettes 1, 2, 7, and 10, there was a significant difference between sanctions that would be imposed by school principals in "Under 500" schools and principals in "500 and Over" schools. For example, in Vignette 1, more than 45 percent of the principals in "Under 500" schools indicated a student would be excluded from school "more than 10 days" for violation of school policy, i.e., possession of cocaine, compared to less than 32 percent in "500 and Over" schools. However, by combining the last two categories, the results are more similar. Slightly more than 69 percent of the principals in "Under 500" schools indicated a student would be excluded from school seven or more school days for possession of cocaine, compared to more than 75 percent of the principals in "500 and Over" schools. A summary of significance regarding sanctions appears in Table 6.

School setting. There was a significant difference between the sanctions that would be imposed by school principals in city and suburban schools in nine of the 10 vignettes: Vignettes 1, 2, 3, 4, 5, 6, 7, 9, and 10. In Vignette 1, for example, more than 68 percent of the principals in city schools indicated a student would be excluded from school "more than 10 days" for violation of school policy, i.e., possession of cocaine, compared to slightly less than 21 percent of the principals in suburban schools. Combining the responses in the last two categories for Vignette 1, about 78 percent of the principals in city schools indicated a student would be excluded from school seven

or more days for possession of cocaine, compared to slightly more than 70 percent of the principals in suburban schools. A summary of significance regarding sanctions appears in Table 6.

Principals and experts. School principals and the panel of experts agreed that searches in only six, or 60 percent, of the vignettes were "justified at the inception" and "permissible in scope": Vignettes 4, 6, 7, 8, 9, and 10. On the other hand, the principals indicated searches in the 10 vignettes were "justified at the inception" and "permissible in scope." A comparison of the responses of principals and experts appears in Table 7.

Conclusions

1. Public school principals in schools with enrollments of "Under 500" students and "500 and Over" appear to:
 - a. Have limited knowledge and understanding of the T.L.O. standard of reasonable suspicion; and
 - b. Impose similar sanctions upon students for violation of school policy, concerning search and seizure.
2. Public school principals in city and suburban schools appear to:
 - a. Have limited knowledge and understanding of the T.L.O. standard of reasonable suspicion; and
 - b. Impose somewhat different sanctions upon students for violation of school policy; the more severe sanctions, e.g., exclusion from school for more than 10 school days, being imposed in city schools.

Discussion of the Conclusions

The conclusions of this study appeared to indicate public school principals possess limited knowledge and understanding of the T.L.O. standard of reasonableness. Although very little relationship was found across school sizes regarding sanctions school principals would impose for violation of school policy concerning search and seizure, principals in city schools appeared to favor imposing more severe sanctions than principals in suburban school, especially exclusion of students from school in excess of 10 school days. The conclusions represented the findings of only one descriptive study. Due to the nature of the problem studied, recommendations were not made at this time regarding possible immediate value of having requisite knowledge and understanding of the T.L.O. standard of reasonable suspicion. Additional descriptive and normative studies appeared to be needed.

Recommendations for Further Study

1. Additional research data are needed to determine the possible immediate value of possessing requisite knowledge and understanding of the T.L.O. standard of reasonable suspicion.
2. Additional research data are also needed to determine whether public school officials across school sizes and settings:
 - a. Apply the T.L.O. standard consistently, without regard to their race, gender, or social class background; and
 - b. Impose sanctions consistently, for violation of school policy concerning search and seizure, without regard to their race, gender,

or social class background;

- c. Apply the T.L.O. standard consistently, without regard to the race, gender, or social class of students; and
- d. Impose sanctions consistently, for violation of school policy concerning search and seizure, without regard to the race, gender, or social class of students.

ENDNOTES

1. 105 S.Ct. 733 (1985)
2. New Jersey v. T.L.L., at 743
3. New Jersey v. T.L.O., At 743
4. 105 S.Ct. 733 (1985)
5. The T.L.O. standard is commonly known as the T.L.O. standard of reasonableness or reasonable suspicion.
6. New Jersey v. T.L.O., at 744
7. New Jersey v. T.L.O., at 744
8. New Jersey v. T.L.O., at 744
9. New Jersey v. T.L.O., at 744
10. Fall 1990 Elementary and Secondary School Civil Rights Survey, prepared by the DBS Corporation, under subcontract to Opportunity Systems Incorporated, Contract Number CA91001001, Office for Civil Rights, Department of Education, February, 1993
11. U.S. Const. amend. IV (1791) - The Fourth Amendment has been made applicable to the States by the Fourteenth Amendment.
12. Minnesota v. Olson, 110 S.Ct. 1684, 1687 (1990)
13. Id.
14. Id.
15. T.L.O., at 741
16. Zamora v. Pomeroy, 639 F.2d 662 (10th Cir. 1981)
17. New Jersey v. T.L.O., 105 S.Ct. 733 (1985)
18. 639 F.2d 662, 670 (10th Cir. 1981)
19. 105 S.Ct. 733 (1985)
20. 105 S.Ct. 741, note 5

21. 105 S.Ct. 744, note 8 - The Court did say, however, that in other contexts some quantum of individualized suspicion is usually a prerequisite to a constitutional search or seizure, but that the prohibitions of the Fourth Amendment "impose[] no irreducible requirement of such suspicion." T.L.O., at 744, note 8
22. 105 S.Ct. 744, note 7
23. S.C. v. State of Mississippi, 583 So.2d 188 (Miss. 1991); State of New Mexico v. Michael G., 748 P.2d 17, 106 N.M. 644 (1987); In re Guy Dumas, 515 A.2d 984 (Pa. Super. 1986); and State of West Virginia v. Joseph T., 336 S.E.2d 728 (W.Va. 1985)
24. Coronado v. State of Texas, 806 S.W.2d 302 (Tex. 1991)
25. Coronado v. State of Texas, 806 S.W.2d 302 (Tex. 1991)
26. Coronado v. State of Texas, 806 S.W.2d 302 (Tex. 1991); State of Washington v. Slattery, 787 P.2d 932, 56 Wash. App. 820 (1990); Horton v. Goose Creek Independent School District, 690 F.2d 470 (5th Cir. 1982)
27. Burnham v. West, 681 F.Supp. 1160 (E.D. Va. 1987);
28. Kuehn v. Renton School District No. 403, 694 P.2d 1078, 103 Wash.2d 594 (1985)
29. Burnham v. West, 681 F.Supp. 1160 (E.D. Va. 1987);
30. State of Washington v. Slattery, 787 P.2d 932, 56 Wash. App. 820 (1990)
31. 583 So.2d 188 (Miss. 1991)
32. 583 So.2d 188, 192 (Miss. 1991)
33. New Jersey v. T.L.O., 105 S.Ct. 733 (1985)
34. 515 A.2d 984, 357 Pa. Super. 294 (1986)
35. 336 So.2d 728 (W.Va. 1985)
36. State of West Virginia v. Joseph T., at 737
37. State v. Michael G., 748 P.2d 17 (N.M.App. 1987)
38. State v. Michael G., 748 P.2d 17 (N.M.App. 1987)
39. 499 F.Supp. 223 (E.D.Tex. 1980)

40. The term "alert" is used in the Jones case, at 228, to refer to a signal by the dog to its handler, or "interdictor", concerning the detection of drugs or other contraband.
41. 499 F.Supp. 223 (E.D.Tex. 1980)
42. 88 S.Ct. 507 (1976)
43. 422 F.2d 185 (5th Cir. 1970)
44. 88 S.Ct. 507 (1976)
45. Jones, at 232
46. 422 F.2d 185 (5th Cir. 1970)
47. Jones v. Latexo Independent School District, at 232
48. 499 F.Supp. 223 (E.D.Tex. 1980)
49. 88 S.Ct. 507 (1976)
50. 422 F.2d 185 (5th Cir. 1970)
51. 88 S.Ct. 507 (1976)
52. 422 F.2d 185 (5th Cir. 1970)
53. Jones, at 233
54. Horton v. Goose Creek Independent School District, 690 F.2d 470 (5th Cir. 1982)
55. Horton v. Goose Creek Independent School District, 690 F.2d 470, 477 (1982)
56. Doe v. Renfrow, at 1024
57. Horton v. Goose Creek Independent School District, 693 F.2d 524, 525 (5th Cir. 1982)
58. Jones v. Latexo Independent School District, at 234
59. New Jersey v. T.L.O., at 744
60. 438 F.Supp. 47 (N.D.N.Y. 1977)
61. Bellnier v. Lund, at 54

62. 690 F.2d 470 (5th Cir. 1982)
63. Horton, at 481
64. 694 P.2d 1078 (Wash. 1985)
65. 694 P.2d 1078, 1079 (Wash. 1985)
66. Burnham v. West, 681 F.Supp. 1160 (E.D. Va. 1987)
67. Burnham v. West, 681 F.Supp. 1160 (E.D. Va. 1987)
68. Burnham v. West, at 1163
69. Burnham v. West, at 1167 n.8
70. 270 Cal.Rptr. 242 (Cal.App.2 Dist. 1990)
71. In re Alexander B., at 344
72. In re Alexander B., at 344
73. Coronado v. State of Texas, 806 S.W.2d 303 (Tex.App.-Texarkana 1991); and Cason v. Cook, 810 F.2d 188 (8th Cir. 1987)
74. In the Interest of P.E.A., 754 P.2d 382 (Colo. 1988)
75. In the Interest of P.E.A., 754 P.2d 382 (Colo. 1988)
76. Coronado v. State, 806 S.W.2d 302 (Tex.App.-Texarkana 1991); and Alexander B. v. The People, 270 Cal.Rptr. 242 (Cal.App. 2 Dist. 1990)
77. People v. Dukes, 580 N.Y.S.2d 850 (N.Y.City Crim.Ct. 1992)
78. People v. Dukes, at 853
79. People v. Dukes, at 853
80. Coronado v. State, 806 S.W.2d 302, 303 (Tex.App.--Texarkana (1991); and Cason v. Cook, 810 F.2d 188, 193 (8th Cir. 1987)
81. Id.
82. In the Interest of P.E.A., 754 P.2d 382, 386 (Colo. 1988)
83. 105 S.Ct. 733 (1985)

- 84. The 16 cases were decided by lower courts.
- 85. The 10 cases were decided, after New Jersey v. T.L.O.
- 86. 105 S.Ct. 733 (1985)
- 87. The Fourth Amendment states:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrant shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

- 88. New Jersey v. T.L.O., at 743 - This standard is usually referred to as the standard of "reasonable suspicion".
- 89. New Jersey v. T.L.O., at 744
- 90. New Jersey v. T.L.O., at 744
- 91. In Question 37, the principals were asked to indicate whether their present assignment was in a city school, suburban school, rural school, or "other" school. Six principals were in the "rural school" category and four in the "other" category. These responses were included under "school size", but not "school setting".

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- In re Robert B., 172 Cal.App.3d 763, 218 Cal. Rptr. 337 (1985)
- In the Interest of P.E.A., A Child, 754 P.2d 382 (Colo. 1988)
- In the Matter of the Appeal in Pima County Juvenile, 733 P.2d 316, 152 Ariz. 431 (1987)
- Irby v. State of Texas, 751 S.W.2d 670 (Tex.App. 1988)
- Martens v. District No. 220, Board of Education, 620 F.Supp. 29 (D.C. Ill. 1985)
- Minnesota v. Olson, 110 S.Ct. 1684 (1990)
- New Jersey v. T.L.O., 105 S.Ct. 733 (1985)
- Schmerber v. State of California, 86 S.Ct. 1826 (1966)
- State of Washington v. Brooks, 43 Wash.App. 560, 718 P.2d 837 (1986)
- State of West Virginia v. Joseph T., 336 S.E.2d 728, 175 W.Va. 598 (1985)
- Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969)
- Wynn v. Board of Education of Vestavia Hills, 508 S.2d 1170 (Ala. 1987)

APPENDICES

Appendix A:
Questionnaire on Search and Seizure

QUESTIONNAIRE ON SEARCH AND SEIZURE FOR PUBLIC SCHOOL PRINCIPALS

PART I. QUESTIONNAIRE ITEMS

DIRECTIONS: In the case of New Jersey v. T.L.O., 105 S. Ct. 733 (1985), the U.S. Supreme Court held that the Fourth Amendment of the U.S. Constitution applies to student searches in public schools conducted by public school officials. The Court said, however, that the searches meet Fourth Amendment requirements when based on reasonable suspicion, and need not be based on the criminal standard of probable cause. The Court stated that a student search by public school officials is based on reasonable suspicion when justified at its inception and permissible in scope. Such search is justified at its inception, stated the Court, "when there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school." The search is permissible in scope, "when the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction."

Ten (10) vignettes concerning student searches by officials in public schools appear below. The vignettes are based on cases decided by state and federal courts after the T.L.O. case was decided. For each vignettes, you are asked to do two things. First, if you believe that the search in the vignette was Justified at its inception, place the letter "x" in the space for "AGREE." If you are either unsure or disagree, place the letter "x" in the space for "UNSURE" or "DISAGREE." Second, if you believe that the search in the vignette was Permissible in scope, place the letter "x" in the space for "AGREE." If you are unsure or disagree, place the letter "x" in the space for "UNSURE" or "DISAGREE."

For each vignette, there are also five statements concerning student discipline. Select the statement which you feel best indicates the discipline, if any, that would be imposed upon the student, based upon the policies in your school. To indicate your choice, place the letter "x" in the space provided.

VIGNETTE 1. A school official observed a student near some bleachers on campus. The student's name had been mentioned during a staff meeting concerning the use and sale of drugs by students. Students often went to the bleacher area to use drugs. The student was taken to the office and searched. The search was:

	AGREE	UNSURE	DISAGREE
1. Justified at its inception.	_____	_____	_____
2. Permissible in scope.	_____	_____	_____

In Vignette 1, a bag of cocaine was found in the student's pocket.

3. Based upon the policies in your school, and for this vignette only, the student would: (Select only one choice, and move to the next vignette.)

- a. Not be excluded from school. _____
- b. Be excluded from school for 1 to 3 school days. _____
- c. Be excluded from school for 4 to 6 school days. _____
- d. Be excluded from school for 7 to 10 school day. _____
- e. Be excluded from school for more than 10 school days. _____

VIGNETTE 2. A school official observed five students on campus. In the past, the official had confronted some of the students regarding possession of marijuana and being under the influence of alcohol. Two of the students were exchanging money. They were searched. The search of the students was:

AGREE UNSURE DISAGREE

- 4. Justified at its inception. _____
- 5. Permissible in scope. _____

In Vignette 2, a small box was recovered from one of the students. The box contained 13 cigarettes. Tests showed that a leafy substance inside the box was marijuana.

6. Based upon the policies in your school, and for this vignette only, the student would: (Select only one choice, and move to the next vignette.)

- a. Not be excluded from school. _____
- b. Be excluded from school for 1 to 3 school days. _____
- c. Be excluded from school for 4 to 6 school days. _____
- d. Be excluded from school for 7 to 10 school days. _____
- e. Be excluded from school for more than 10 school days. _____

VIGNETTE 3. A school official smelled alcohol on a student's breath. The student admitted having beer at another student's home on the way to school that morning. Believing that the other student may have brought an alcoholic beverage to school, the official searched the other student's locker. The search of the other student's locker was:

AGREE UNSURE DISAGREE

- 7. Justified at its inception. _____
- 8. Permissible in scope. _____

In Vignette 3, alcoholic beverage was not found in the student's locker. However, other items were found, including wooden pipes and a small plastic box. The box contained cigarettes packed with what appeared to be marijuana.

9. Based upon the policies in your school, and for this vignette only, the student would: (Select only one choice, and move to the next vignette.)

- a. Not be excluded from school. _____
- b. Be excluded from school for 1 to 3 school days. _____
- c. Be excluded from school for 4 to 6 school days. _____
- d. Be excluded from school for 7 to 10 school days. _____
- e. Be excluded from school for more than 10 school days. _____

VIGNETTE 4. A school official received a tip from a student that another student was selling marijuana out of a blue box in the other student's locker. The student-informant's locker was in the same locker area. School officials searched the other student's locker. The search of the other student's locker was:

AGREE UNSURE DISAGREE

- 10. Justified at its inception. _____
- 11. Permissible in scope. _____

In Vignette 4, mushrooms were found in the locker. The mushrooms were hallucinogenic. Analysis showed that they contained psilocin.

12. Based upon the policies in your school, and for this vignette only, the student would: (Select only one choice, and move to the next vignette.)

- a. Not be excluded from school. _____
- b. Be excluded from school for 1 to 3 school days. _____
- c. Be excluded from school for 4 to 6 school days. _____
- d. Be excluded from school for 7 to 10 school days. _____
- e. Be excluded from school for more than 10 school days. _____

VIGNETTE 5. While a police officer was in a school on other business, a student told the officer that two students had brought marijuana to school that day to sell to students. The officer told a school official. The school official searched the two students, but found no evidence of marijuana. However, one of the students told the school official that the student rode to school that morning in a car owned by a third student. The school official searched the locker and car of the third student. The search of the third student's locker and car was:

AGREE UNSURE DISAGREE

- 13. Justified at its inception. _____
- 14. Permissible in scope. _____

In Vignette 5, a duffel bag containing a large quantity of marijuana was found in the trunk of the third student's car and drug paraphernalia and marijuana were found in the console.

15. Based upon the policies in your school, and for this vignette only, the student would: (Select only one choice, and move to the next vignette.)

- a. Not be excluded from school. _____
- b. Be excluded from school for 1 to 3 school days. _____
- c. Be excluded from school for 4 to 6 school days. _____
- d. Be excluded from school for 7 to 10 school days. _____
- e. Be excluded from school for more than 10 school days. _____

VIGNETTE 6. A school official found two students in the lavatory during a school day. One of the students seemed nervous, e.g., appearing to falter in answering simple questions asked by the official. The official was aware of marijuana and other narcotics activity in the lavatory. The students did not have hall passes. The official became suspicious and searched the student who seemed nervous, telling the student that the search was for marijuana. The search of the student was:

AGREE UNSURE DISAGREE

- 16. Justified at its inception. _____
- 17. Permissible in scope. _____

In Vignette 6, the official found two cigarettes that appeared to be marijuana and a bindle containing cocaine.

18. Based upon the policies in your school, and for this vignette only, the student would: (Select only one choice, and move to the next vignette.)

- a. Not be excluded from school. _____
- b. Be excluded from school for 1 to 3 school days. _____
- c. Be excluded from school for 4 to 6 school days. _____
- d. Be excluded from school for 7 to 10 school days. _____
- e. Be excluded from school for more than 10 school days. _____

VIGNETTE 7. A school official received a telephone call from an informant. The informant said that informant's child was a student at the school; that the child had purchased marijuana from another student; that the other student had been selling marijuana out of a box in the student's locker; and that the box was in the student's locker at the school. Later the same day, the official received another call from what appeared to be the informant who had called earlier. The second informant also said that informant's child was a student at the school, and the child had purchased marijuana from the same student identified by the earlier informant. The official searched the student. The search of the student was:

	AGREE	UNSURE	DISAGREE
19. Justified at its inception.	_____	_____	_____
20. Permissible in scope.	_____	_____	_____

In Vignette 7, a pipe found in the student's possession contained marijuana residue.

21. Based upon the policies in your school, and for this vignette only, the student would: (Select only one choice, and move to the next vignette.)

- | | |
|--|-------|
| a. Not be excluded from school. | _____ |
| b. Be excluded from school for 1 to 3 school days. | _____ |
| c. Be excluded from school for 4 to 6 school days. | _____ |
| d. Be excluded from school for 7 to 10 school days. | _____ |
| e. Be excluded from school for more than 10 school days. | _____ |

VIGNETTE 8. A class raised \$9.00 for a project. The money was sealed in an envelope, and a student was made the custodian. The class left the classroom for physical education, except that two students excused from physical education remained in the classroom. When the students returned to the classroom, the custodial student found that \$6.00 of the money was missing. There was no evidence that any other students had been in the room during the time the money could have been taken. The two students who remained in the room were searched. The search of the students was:

	AGREE	UNSURE	DISAGREE
22. Justified at its inception.	_____	_____	_____
23. Permissible in scope.	_____	_____	_____

In Vignette 8, the money was never found.

24. Based upon the policies in your school, and for this vignette only, the students would: (Select only one choice, and move to the next vignette.)

- a. Not be excluded from school. _____
- b. Be excluded from school for 1 to 3 school days. _____
- c. Be excluded from school for 4 to 6 school days. _____
- d. Be excluded from school for 7 to 10 school days. _____
- e. Be excluded from school for more than 10 school days. _____

VIGNETTE 9. A school official heard students saying that another student had marijuana at school. That official told another official. When the other official questioned the student, the student admitted having marijuana. The student also gave the official the name of the student from whom the marijuana had been gotten. Informing the other student that there were reasons to suspect that the student had marijuana, the official searched the other student. The search of the other student was:

AGREE UNSURE DISAGREE

- 25. Justified at its inception. _____
- 26. Permissible in scope. _____

In Vignette 9, a quantity of marijuana was concealed in the lining of the student's coat.

27. Based upon the policies in your school, and for this vignette only, the student would: (Select only one choice, and move to the next vignette.)

- a. Not be excluded from school. _____
- b. Be excluded from school for 1 to 3 school days. _____
- c. Be excluded from school for 4 to 6 school days. _____
- d. Be excluded from school for 7 to 10 school days. _____
- e. Be excluded from school for more than 10 school days. _____

VIGNETTE 10. Three students told a school official that a student on campus had drugs. Two of the students said the drug was cocaine. One of them identified the student, who allegedly had the cocaine. The official confronted the other student. The other student denied having drugs and said: "You can search me if you want to." The official searched the student. The search of the student was:

AGREE UNSURE DISAGREE

- 28. Justified at its inception. _____
- 29. Permissible in scope. _____

In Vignette 10, two baggies containing a white solid crystallized substance were found in the student's coat pocket. The substance was identified as cocaine.

30. Based upon the policies in your school, and for this vignette only, the student would: (Select only one choice.)

- a. Not be excluded from school. _____
- b. Be excluded from school for 1 to 3 school days. _____
- c. Be excluded from school for 4 to 6 school days. _____
- d. Be excluded from school for 7 to 10 school days. _____
- e. Be excluded from school for more than 10 school days. _____

PART II. GENERAL INFORMATION

DIRECTIONS: FOR EACH STATEMENT OR QUESTION BELOW, SELECT A RESPONSE BY PLACING THE LETTER "x" IN THE SPACE TO THE LEFT OF THE ITEM SELECTED.

31. Indicate the type of school in which you do most of your work presently.

- _____ a. Elementary school
- _____ b. Middle School
- _____ c. Junior High School
- _____ d. High School
- _____ e. Other (Please specify.) _____

32. Indicate your professional experience in a school setting.

- _____ a. 2 years or less
- _____ b. 3-6 years
- _____ c. 7-10 years
- _____ d. 11-14 years
- _____ e. 15 years or more

33. Which of the following most accurately describes your present position?

- _____ a. Principal
- _____ b. Assistant Principal
- _____ c. Supervisor
- _____ d. Teacher
- _____ e. Other (Please specify.) _____

34. Sex

- _____ a. Female
- _____ b. Male

35. Race

- _____ a. Black
- _____ b. White
- _____ c. Other (Please specify.) _____

36. What is the racial composition of the student body in your present school?
- ☐ a. 90% - 10% Majority/Minority
☐ b. 80% - 20% Majority/Minority
☐ c. 50% - 50% Minority/Majority
☐ d. 80% - 20% Minority/Majority
☐ e. 90% - 10% Minority/Majority
37. Which of the following most accurately reflects your school assignment presently?
- ☐ a. City school
☐ b. Suburban school
☐ c. Rural school
☐ d. Other (Please specify.)
38. Which of the following most accurately reflects the social class of the student body in your present school?
- ☐ a. 90% - 10% Middle/Lower Class
☐ b. 80% - 20% Middle/Lower Class
☐ c. 50% - 50% Lower Middle Class
☐ d. 80% - 20% Lower Middle Class
☐ e. 90% - 10% Lower/Middle Class
39. Which of the following most accurately reflects your social class background, during your early school years?
- ☐ a. Upper Class
☐ b. Middle Class
☐ c. Lower Class
40. Which of the following most accurately reflects your social class presently?
- ☐ a. Upper Class
☐ b. Middle Class
☐ c. Other (Please specify.) _____

Indicate whether you would like to have a copy of the results of the study.

Yes _____

No _____

PLEASE RETURN IN THE ENCLOSED, STAMPED, SELF-ADDRESSED ENVELOPE.

Appendix B:
Court Cases for the Ten Vignettes Selected

1. In the Matter of the Appeal in Pima County Juvenile, 733 P.2d 316, 152 Ariz. 431 (1987)
2. In re Robert B., 172 Cal.App.3d 763, 218 Cal. Rptr. 337 (1985)
3. State of West Virginia v. Joseph T., 336 S.E.2d 728, 175 W.Va. 598 (1985)
4. State of Washington v. Brooks, 43 Wash.App. 560, 718 P.2d 837 (1986)
5. In the Interest of P.E.A., A Child, 754 P.2d 382 (1988)
6. In re Bobby B., 172 Cal.App.3d 377, 218 Cal. Rptr. 253 (1985)
7. Martens v. District No. 220, Board of Education, 620 F.Supp. 29 (D.C. Ill. 1985)
8. Wynn v. Board of Education of Vestavia Hills, 508 S.2d 1170 (Ala. 1987)
9. Irby v. State of Texas, 751 S.W.2d 670 (Tex.App. 1988)
10. In re Corey L., 250 Cal. Rptr. 359 (Cal.App. 1 Dist. 1988)

Appendix C:
Data for the Ten Vignettes

TABLE 1. A school official observed a student near some bleachers on campus. The student's name had been mentioned during a staff meeting concerning the use and sale of drugs by students. Students often went to the bleacher area to use drugs. The student was taken to the office and searched.

Justified at its inception	Under 500 (N = 90)		500 and Over (N = 128)		Total Percent		Panel
	f	%	f	%			
Agree	52	57.8	72	56.2	124	56.9	X
Unsure	4	4.4	7	5.5	11	5.0	
Disagree	34	37.8	49	38.3	83	38.1	
Total	90	100.0 (41.3)*	128	100.0 (58.7)*	218	100.0 (100.0)*	

*Percent of Total

Permissible in Scope	Under 500 (N = 88)		500 and Over (N = 132)		Total Percent		Panel
	f	%	f	%			
Agree	59	67.0	87	65.9	146	66.4	X
Unsure	3	3.4	12	9.1	15	6.8	
Disagree	26	29.6	33	25.0	59	26.8	
Total	88	100.0 (40.0)*	132	100.0 (60.0)*	220	100.0 (100.0)*	

*Percent of Total

A bag of cocaine was found in the student's pocket. Based upon the policies in their school, participants were asked to indicate the number of school days the student would be excluded from school. The students would:

School Policy	Under 500 (N = 88)		500 and Over (N = 130)		Total	
	f	%	f	%	f	%
Not be excluded.	13	14.8	11	8.5	24	11.0
Be excluded 1 to 3 days.	11	12.5	17	13.1	28	12.8
Be excluded 4 to 6 days	3	3.4	4	3.1	7	3.2
Be excluded 7 to 10 days.	21	23.9	57	43.8	78	35.8
Be excluded more than 10 days.	40	45.4	41	31.5	81	37.2
Total	88	100.0 (40.4)*	130	100.0 (59.6)*	218	100.0 (100.0)*

*Percent of Total

Chi-square = 10.52, df = 4, p < .05

School Policy	City (N = 72)		Suburb (N = 134)		Total	
	f	%	f	%	f	%
Not be excluded.	7	9.7	16	11.9	23	11.2
Be excluded 1 to 3 days.	5	6.9	21	15.7	26	12.6
Be excluded 4 to 6 days	4	5.6	3	2.2	7	3.4
Be excluded 7 to 10 days.	7	9.7	66	49.3	73	35.4
Be excluded more than 10 days.	49	68.1	28	20.9	77	37.4
Total	72	100.0 (35.0)*	134	100.0 (59.6)*	206	100.0 (100.0)*

*Percent of Total

Chi-square = 53.07, df = 4, p < .001

TABLE 2. A school official observed five students on campus. In the past, the official had confronted some of the students regarding possession of marijuana and being under the influence of alcohol. Two of the students were exchanging money. They were searched. The search of the students was:

Justified at its inception	Under 500 (N = 88)		500 and Over (N = 127)		Total	Percent	Panel
	f	%	f	%			
Agree	51	56.1	90	68.2	141	64.1	
Unsure	11	8.8	7	5.3	18	8.2	
Disagree	26	35.1	35	26.5	61	27.7	X
Total	88	100.0 (40.0)*	132	100.0 (60.0)*	220	100.0 (100.0)*	

*Percent of Total

Permissible in Scope	Under 500 (N = 88)		500 and Over (N = 127)		Total	Percent	Panel
	f	%	f	%			
Agree	56	63.6	93	73.2	149	69.3	
Unsure	11	12.5	9	7.1	20	9.3	
Disagree	21	23.9	25	19.7	46	21.4	X
Total	88	100.0 (40.9)*	127	100.0 (59.1)*	215	100.0 (100.0)*	

*Percent of Total

A small box was recovered from one of the students. The box contained 13 cigarettes. Tests showed that a leafy substance inside the box was marijuana. Based upon the policies in their school, participants were asked to indicate the number of school days the student would be excluded from school. The student would:

School Policy	Under 500 (N = 88)		500 and Over (N = 129)		Total	
	f	%	f	%	f	%
Not be excluded.	7	8.0	4	3.1	11	5.1
Be excluded 1 to 3 days.	12	13.6	19	14.7	31	14.3
Be excluded 4 to 6 days.	3	3.4	4	3.1	7	3.2
Be excluded 7 to 10 days.	27	30.7	64	49.6	91	41.9
Be excluded more than 10 days.	39	44.3	38	29.5	77	35.5
Total	88	100.0 (40.6)*	129	100.0 (59.4)*	217	100.0 (100.0)*

*Percent of Total

Chi-square = 10.22, df = 4, p < .05

School Policy	City (N = 72)		Suburb (N = 135)		Total	
	f	%	f	%	f	%
Not be excluded.	1	1.4	10	7.4	11	5.3
Be excluded 1 to 3 days.	7	9.7	22	16.3	29	14.0
Be excluded 4 to 6 days.	4	5.6	3	2.2	7	3.4
Be excluded 7 to 10 days.	14	19.4	71	52.6	85	41.1
Be excluded more than 10 days.	46	63.9	29	21.5	75	36.2
Total	72	100.0 (34.8)*	129	100.0 (65.2)*	207	100.0 (100.0)*

*Percent of Total

Chi-square = 42.06, df = 4, p < .001

TABLE 3. A school official smelled alcohol on a student's breath. The student admitted having beer at another student's home on the way to school that morning. Believing that the other student may have brought an alcoholic beverage to school, the official searched the other student's locker. The search of the other student's locker was:

Justified at its inception	Under 500 (N = 87)		500 and Over (N = 131)		Total	Percent	Panel
	f	%	f	%			
Agree	61	70.1	113	87.3	174	79.8	X
Unsure	9	10.3	7	5.3	16	7.3	
Disagree	17	19.6	11	8.4	28	12.9	
Total	87	100.0 (39.9)*	131	100.0 (60.1)*	218	100.0 (100.0)*	

*Percent of Total

Permissible in Scope	Under 500 (N = 89)		500 and Over (N = 127)		Total	Percent	Panel
	f	%	f	%			
Agree	69	77.5	112	88.2	181	83.8	
Unsure	8	9.0	5	3.9	13	6.0	
Disagree	12	13.5	10	7.9	22	10.2	X
Total	89	100.0 (41.2)*	127	100.0 (58.8)*	216	100.0 (100.0)*	

*Percent of Total

Alcoholic beverage was not found in the student's locker. However, other items were found, including wooden pipes and a small plastic box. The box contained cigarettes packed with what appeared to be marijuana. Based upon the policies in their school, participants were asked to indicate the number of school days the student would be excluded from school. The student would:

School Policy	Under 500 (N = 88)		500 and Over (N = 130)		Total	
	f	%	f	%	f	%
Not be excluded.	17	19.3	20	15.4	37	17.0
Be excluded 1 to 3 days.	17	19.3	21	16.2	38	17.4
Be excluded 4 to 6 days.	2	2.3	6	4.6	8	3.7
Be excluded 7 to 10 days.	27	30.7	55	42.3	82	37.6
Be excluded more than 10 days.	25	28.4	28	21.5	53	24.3
Total	88	100.0 (40.4)*	130	100.0 (59.6)*	218	100.0 (100.0)*

*Percent of Total

Chi-square = 4.47, df = 4, p > .05

School Policy	City (N = 73)		Suburb (N = 135)		Total	
	f	%	f	%	f	%
Not be excluded.	4	5.5	33	24.4	37	17.8
Be excluded 1 to 3 days.	15	20.5	21	15.6	36	17.3
Be excluded 4 to 6 days.	5	6.8	3	2.2	8	3.8
Be excluded 7 to 10 days.	12	16.4	67	49.6	79	38.0
Be excluded more than 10 days.	37	50.7	11	8.1	48	23.1
Total	73	100.0 (35.1)*	135	100.0 (64.9)*	208	100.0 (100.0)*

*Percent of Total

Chi-square = 63.79, df = 4, p < .001

TABLE 4. A school official received a tip from a student that another student was selling marijuana out of a blue box in the other student's locker. The student-informant's locker was in the same locker area. School officials searched the other student's locker. The search of the other student's locker was:

Justified at its inception	Under 500 (N = 87)		500 and Over (N = 129)		Total	Percent	Panel
	f	%	f	%			
Agree	64	73.6	111	86.0	175	81.0	X
Unsure	14	16.1	9	7.0	23	10.7	
Disagree	9	10.3	9	7.0	18	8.3	
Total	87	100.0 (40.3)*	129	100.0 (59.7)*	216	100.0 (100.0)*	

*Percent of Total

Permissible in Scope	Under 500 (N = 88)		500 and Over (N = 127)		Total	Percent	Panel
	f	%	f	%			
Agree	65	73.9	113	89.0	178	82.8	X
Unsure	17	19.3	9	7.1	26	12.1	
Disagree	6	6.8	5	3.9	11	5.1	
Total	88	100.0 (40.9)*	127	100.0 (59.1)*	215	100.0 (100)*	

*Percent of Total

Mushrooms were found in the locker. The mushrooms were hallucinogenic. Analysis showed that they contained psilocin. Based upon the policies in their school, participants were asked to indicate the number of school days the student would be excluded from school. The student would:

School Policy	Under 500 (N = 86)		500 and Over (N = 128)		Total	
	f	%	f	%	f	%
Not be excluded.	9	10.4	6	4.7	15	7.0
Be excluded 1 to 3 days.	10	11.6	18	14.0	28	13.1
Be excluded 4 to 6 days.	3	3.5	5	3.9	8	3.7
Be excluded 7 to 10 days.	28	32.6	55	43.0	83	38.8
Be excluded more than 10 days.	36	41.9	44	34.4	80	37.4
Total	86	100.0 (40.2)*	128	100.0 (59.8)*	214	100.0 (100.0)*

*Percent of Total

Chi-square = 4.92, df = 4, p > .05

School Policy	City (N = 71)		Suburb (N = 132)		Total	
	f	%	f	%	f	%
Not be excluded.	1	1.4	13	9.8	14	6.9
Be excluded 1 to 3 days.	6	8.5	20	15.2	26	12.8
Be excluded 4 to 6 days.	5	7.0	3	2.3	8	3.9
Be excluded 7 to 10 days.	11	15.5	69	52.3	80	39.4
Be excluded more than 10 days.	48	67.6	27	20.5	75	36.9
Total	71	100.0 (35.0)*	132	100.0 (65.0)*	203	100.0 (100.0)*

*Percent of Total

Chi-square = 52.68, df = 4, p < .001

TABLE 5. While a police officer was in a school on other business, a student told the officer that two students had brought marijuana to school that day to sell to students. The officer told a school official. The school official searched the two students, but found no evidence of marijuana. However, one of the students told the school official that the student rode to school that morning in a car owned by a third student. The school official searched the locker and car of the third student. The search of the third student's locker and car was:

Justified at its inception	Under 500 (N = 88)		500 and Over (N = 129)		Total	Percent	Panel
	f	%	f	%			
Agree	53	60.2	89	69.0	142	65.4	
Unsure	16	18.2	20	15.5	36	16.6	
Disagree	19	21.6	20	15.5	39	18.0	X
Total	88	100.0 (40.6)*	129	100.0 (59.4)*	217	100.0 (100)*	

*Percent of Total

Permissible in Scope	Under 500 (N = 87)		500 and Over (N = 127)		Total	Percent	Panel
	f	%	f	%			
Agree	51	58.6	78	61.4	129	60.3	
Unsure	20	23.0	31	24.4	51	23.8	
Disagree	16	18.4	18	14.2	34	15.9	X
Total	87	100.0 (40.7)*	127	100.1 (59.3)*	214	100.0 (100)*	

*Percent of Total

A duffel bag containing a large quantity of marijuana was found in the trunk of the third student's car and drug paraphernalia and marijuana were found in the console. Based upon the policies in their school, participants were asked to indicate the number of school days the student would be excluded from school. The student would:

School Policy	Under 500 (N = 88)		500 and Over (N = 129)		Total	
	f	%	f	%	f	%
Not be excluded.	7	8.0	12	9.3	19	8.7
Be excluded 1 to 3 days.	7	8.0	13	10.1	20	9.2
Be excluded 4 to 6 days.	3	3.4	3	2.3	6	2.8
Be excluded 7 to 10 days.	25	28.4	49	38.0	74	34.1
Be excluded more than 10 days.	46	52.2	52	40.3	98	45.2
Total	88	100.0 (40.6)*	129	100.0 (59.4)*	217	100.0 (100.0)*

*Percent of Total

Chi-square = 3.65, df = 4, p > .05

School Policy	City (N = 72)		Suburb (N = 134)		Total	
	f	%	f	%	f	%
Not be excluded.	9	12.5	10	7.5	19	9.2
Be excluded 1 to 3 days.	2	2.8	18	13.4	20	9.7
Be excluded 4 to 6 days.	2	2.8	4	3.0	6	2.9
Be excluded 7 to 10 days.	9	12.5	61	45.5	70	34.0
Be excluded more than 10 days.	50	69.4	41	30.6	91	44.2
Total	72	100.0 (35.0)*	134	100.0 (65.0)*	206	100.0 (100.0)*

*Percent of Total

Chi-square = 37.80, df = 4, p < .001

TABLE 6. A school official found two students in the lavatory during a school day. One of the students seemed nervous, e.g., appearing to falter in answering simple questions asked by the official. The official was aware of marijuana and other narcotics activity in the lavatory. The students did not have hall passes. The official became suspicious and searched the student who seemed nervous, telling the student that the search was for marijuana. The search of the student was:

Justified at its inception	Under 500 (N = 88)		500 and Over (N = 129)		Total	Percent	Panel
	f	%	f	%			
Agree	60	68.2	79	61.2	139	64.0	X
Unsure	11	12.5	20	15.5	31	14.3	
Disagree	17	19.3	30	23.3	47	21.7	
Total	88	100.0 (40.6)*	129	100.0 (59.4)*	217	100.0 (100)*	

*Percent of Total

Permissible in Scope	Under 500 (N = 87)		500 and Over (N = 131)		Total	Percent	Panel
	f	%	f	%			
Agree	59	67.8	82	62.6	141	64.7	X
Unsure	11	12.6	21	16.0	32	14.7	
Disagree	17	19.6	28	21.4	45	20.6	
Total	87	100.0 (39.9)*	131	100.0 (60.1)*	218	100.0 (100)*	

*Percent of Total

The official found two cigarettes that appeared to be marijuana and a bindle containing cocaine. Based upon the policies in their school, and for this vignette only, the participants were asked to select one of the following. The student would:

School Policy	Under 500 (N = 87)		500 and Over (N = 130)		Total	
	f	%	f	%	f	%
Not be excluded.	9	10.3	10	7.7	19	8.8
Be excluded 1 to 3 days.	10	11.5	16	12.3	26	12.0
Be excluded 4 to 6 days.	4	4.6	5	3.9	9	4.1
Be excluded 7 to 10 days.	24	27.6	58	44.6	82	37.8
Be excluded more than 10 days.	40	46.0	41	31.5	81	37.3
Total	87	100.0 (40.1)*	130	100.0 (59.9)*	217	100.0 (100.0)*

*Percent of Total

Chi-square = 7.43, df = 4, p > .05

School Policy	City (N = 73)		Suburb (N = 132)		Total	
	f	%	f	%	f	%
Not be excluded.	2	2.7	17	12.9	19	9.3
Be excluded 1 to 3 days.	4	5.5	20	15.2	24	11.7
Be excluded 4 to 6 days.	5	6.8	3	2.3	8	3.9
Be excluded 7 to 10 days.	11	15.1	65	49.2	76	37.1
Be excluded more than 10 days.	51	69.9	27	20.5	78	38.0
Total	73	100.0 (35.6)*	132	100.0 (64.4)*	205	100.0 (100.0)*

*Percent of Total

Chi-square = 56.46, df = 4, p < .001

TABLE 7. A school official received a telephone call from an informant. The informant said that informant's child was a student at the school; that the child had purchased marijuana from another student; that the other student had been selling marijuana out of a box in the student's locker; and that the box was in the student's locker at the school. Later the same day, the official received another call from what appeared to be the informant who had called earlier. The second informant also said that informant's child was a student at the school, and the child had purchased marijuana from the same student identified by the earlier informant. The official searched the student. The search of the student was:

Justified at its inception	Under 500 (N = 85)		500 and Over (N = 129)		Total	Percent	Panel
	f	%	f	%			
Agree	57	67.0	104	80.6	161	75.2	X
Unsure	18	21.2	9	7.0	27	12.6	
Disagree	10	11.8	16	12.4	26	12.2	
Total	85	100.0 (39.7)*	129	100.0 (60.3)*	214	100.0 (100.0)*	

*Percent of Total

Permissible in Scope	Under 500 (N = 87)		500 and Over (N = 130)		Total	Percent	Panel
	f	%	f	%			
Agree	62	71.3	103	79.2	165	76.0	X
Unsure	16	18.4	15	11.6	31	14.3	
Disagree	9	10.3	12	9.2	21	9.7	
Total	87	100.0 (40.1)*	130	100.0 (59.9)*	217	100.0 (100)*	

*Percent of Total

A pipe found in the student's possession contained marijuana residue. Based upon the policies in their school, and for this vignette only, the participants were asked to select one of the following. The student would:

School Policy	Under 500 (N = 85)		500 and Over (N = 130)		Total	
	f	%	f	%	f	%
Not be excluded.	17	25.5	18	13.8	35	16.3
Be excluded 1 to 3 days.	14	16.3	31	23.8	45	20.9
Be excluded 4 to 6 days.	4	5.5	7	5.4	11	5.1
Be excluded 7 to 10 days.	27	34.5	57	43.9	84	39.1
Be excluded more than 10 days.	23	18.2	17	13.1	40	18.6
Total	85	100.0 (39.5)*	130	100.0 (60.5)*	215	100.0 (100.0)*

*Percent of Total

Chi-square = 9.99, df = 4, p < .05

School Policy	City (N = 72)		Suburb (N = 132)		Total	
	f	%	f	%	f	%
Not be excluded.	12	16.7	22	24.4	34	16.7
Be excluded 1 to 3 days.	15	20.8	27	15.6	42	20.6
Be excluded 4 to 6 days.	4	5.6	7	2.2	11	5.4
Be excluded 7 to 10 days.	18	25.0	61	46.2	79	38.7
Be excluded more than 10 days.	23	31.9	15	11.4	38	18.6
Total	72	100.0 (35.3)*	132	100.0 (64.7)*	204	100.0 (100.0)*

*Percent of Total

Chi-square = 16.02, df = 4, p < .001

TABLE 8. A class raised \$9.00 for a project. The money was sealed in an envelope, and a student was made the custodian. The class left the classroom for physical education, except that two students excused from physical education remained in the classroom. When the students returned to the classroom, the custodial student found that \$6.00 of the money was missing. There was no evidence that any other students had been in the room during the time the money could have been taken. The two students who remained in the room were searched. The search of the students was:

Justified at its inception	Under 500 (N = 85)		500 and Over (N = 131)		Total	Percent	Panel
	f	%	f	%			
Agree	52	61.2	93	71.0	145	67.1	X
Unsure	15	17.6	12	9.2	27	12.5	
Disagree	18	21.2	26	19.8	44	20.4	
Total	85	100.0 (39.4)*	131	100.0 (60.6)*	216	100.0 (100)*	

*Percent of Total

Permissible in Scope	Under 500 (N = 87)		500 and Over (N = 129)		Total	Percent	Panel
	f	%	f	%			
Agree	54	62.1	89	69.0	143	66.2	X
Unsure	17	19.5	15	11.6	32	14.8	
Disagree	16	18.4	25	19.4	41	19.0	
Total	87	100.0 (40.3)*	129	100.0 (59.7)*	216	100.0 (100)*	

*Percent of Total

The money was never found. Based upon the policies in their school, participants were asked to indicate the number of school days the student would be excluded from school. The student(s) would:

School Policy	Under 500 (N = 86)		500 and Over (N = 132)		Total	
	f	%	f	%	f	%
Not be excluded.	80	93.0	125	94.7	205	94.0
Be excluded 1 to 3 days.	1	1.2	4	3.0	5	2.3
Be excluded 4 to 6 days.	2	2.3	1	0.8	3	1.4
Be excluded 7 to 10 days.	2	2.3	2	1.5	4	1.8
Be excluded more than 10 days.	1	1.2	0	0.0	1	0.5
Total	86	100.0 (39.4)*	132	100.0 (60.6)*	218	100.0 (100.0)*

*Percent of Total

Chi-square = 3.46, df = 4, p > .05

School Policy	City (N = 72)		Suburb (N = 135)		Total	
	f	%	f	%	f	%
Not be excluded.	68	94.4	126	93.3	194	93.7
Be excluded 1 to 3 days.	3	4.2	2	1.5	5	2.4
Be excluded 4 to 6 days.	1	1.4	2	1.5	3	1.4
Be excluded 7 to 10 days.	0	0.0	4	3.0	4	1.9
Be excluded more than 10 days.	0	0.0	1	.7	1	.5
Total	72	100.0 (34.8)*	135	100.0 (65.2)*	207	100.0 (100.0)*

*Percent of Total

Chi-square = 4.08, df = 4, p > .05

TABLE 9. A school official heard students saying that another student had marijuana at school. That official told another official. When the other official questioned the student, the student admitted having marijuana. The student also gave the official the name of the student from whom the marijuana had been gotten. Informing the other student that there were reasons to suspect that the student had marijuana, the official searched the other student. The search of the other student was:

Justified at its inception	Under 500 (N = 88)		500 and Over (N = 131)		Total	Percent	Expert
	f	%	f	%			
Agree	79	89.8	124	94.7	203	92.7	X
Unsure	7	8.0	5	3.8	12	5.5	
Disagree	2	2.2	2	1.5	4	1.8	
Total	88	100.0 (40.2)*	131	100.0 (59.8)*	219	100.0 (100)*	

*Percent of Total

Permissible in Scope	Under 500 (N = 87)		500 and Over (N = 129)		Total	Percent	Panel
	f	%	f	%			
Agree	75	86.2	120	93.0	195	90.3	X
Unsure	7	8.1	7	5.4	14	6.5	
Disagree	5	5.7	2	1.6	7	3.2	
Total	87	100.0 (40.3)*	129	100.0 (59.7)*	216	100.0 (100)*	

*Percent of Total

A quantity of marijuana was concealed in the lining of the student's coat. Based upon the policies in their school, participants were asked to indicate the number of schools days the student would be excluded from school. The student would:

School Policy	Under 500 (N = 88)		500 and Over (N = 130)		Total	
	f	%	f	%	f	%
Not be excluded.	5	5.7	5	3.9	10	4.6
Be excluded 1 to 3 days.	9	10.2	15	11.5	24	11.0
Be excluded 4 to 6 days.	4	4.6	5	3.9	9	4.1
Be excluded 7 to 10 days.	26	29.5	57	43.8	83	38.1
Be excluded more than 10 days.	44	50.0	48	36.9	92	42.2
Total	88	100.0 (40.4)*	130	100.0 (59.6)*	218	100.0 (100.0)*

*Percent of Total

Chi-square = 5.47, df = 4, p > .05

School Policy	City (N = 72)		Suburb (N = 135)		Total	
	f	%	f	%	f	%
Not be excluded.	0	0.0	9	6.7	9	4.3
Be excluded 1 to 3 days.	5	6.9	18	13.3	23	11.1
Be excluded 4 to 6 days.	4	5.6	5	3.7	9	4.3
Be excluded 7 to 10 days.	13	18.1	67	49.6	80	38.6
Be excluded more than 10 days.	50	69.4	36	26.7	86	41.5
Total	72	100.0 (34.8)*	135	100.0 (65.2)*	207	100.0 (100.0)*

*Percent of Total

Chi-square = 39.69, df = 4, p < .001

TABLE 10. Three students told a school official that a student on campus had drugs. Two of the students said the drug was cocaine. One of them identified the student, who allegedly had the cocaine. The official confronted the other student. The other student denied having drugs and said: "You can search me if you want to." The official searched the student. The search of the student was:

Justified at its inception	Under 500 (N = 88)		500 and Over (N = 131)		Total	Percent	Panel
	f	%	f	%			
Agree	71	80.7	120	91.6	191	87.2	X
Unsure	12	13.6	7	5.3	19	8.7	
Disagree	5	5.7	4	3.1	9	4.1	
Total	88	100.0 (40.2)*	131	100.0 (59.8)*	219	100.0 (100)*	

*Percent of Total

Permissible in Scope	Under 500 (N = 87)		500 and Over (N = 128)		Total	Percent	Panel
	f	%	f	%			
Agree	71	81.6	118	92.2	189	87.9	X
Unsure	12	13.8	6	4.7	18	8.4	
Disagree	4	4.6	4	3.1	8	3.7	
Total	87	100.0 (40.5)*	128	100.0 (59.5)*	215	100.0 (100)*	

*Percent of Total

Two baggies containing a white solid crystallized substance were found in the student's coat pocket. The substance was identified as cocaine. Based upon the policies in their school, participants were asked to indicate the number of schools days the student would be excluded from school. The student would:

School Policy	Under 500 (N = 87)		500 and Over (N = 130)		Total	
	f	%	f	%	f	%
Not be excluded.	6	6.9	3	2.3	9	4.1
Be excluded 1 to 3 days.	7	8.1	16	12.3	23	10.6
Be excluded 4 to 6 days.	5	5.7	3	2.3	8	3.7
Be excluded 7 to 10 days.	22	25.3	56	43.1	78	36.0
Be excluded more than 10 days.	47	54.0	52	40.0	99	45.6
Total	87	100.0 (40.1)*	130	100.0 (59.9)*	217	100.0 (100.0)*

*Percent of Total

Chi-square = 12.05, df = 4, p < .05

School Policy	City (N = 73)		Suburb (N = 133)		Total	
	f	%	f	%	f	%
Not be excluded.	1	1.4	8	6.0	9	4.4
Be excluded 1 to 3 days.	3	4.1	19	14.3	22	10.7
Be excluded 4 to 6 days.	4	5.5	4	3.0	8	3.9
Be excluded 7 to 10 days.	10	13.7	65	48.9	75	36.4
Be excluded more than 10 days.	55	75.3	37	27.8	92	44.7
Total	73	100.0 (35.4)*	133	100.0 (64.6)*	206	100.0 (100.0)*

*Percent of Total

Chi-square = 47.49, df = 4, p < .001

Appendix D:
Letters to Public School Principals

Suburban Schools



University of Pittsburgh

SCHOOL OF EDUCATION
Department of Administrative and Policy Studies

February 25, 1991

Dear Colleague:

During the past year, a number of educators have worked very hard to develop the enclosed questionnaire. The questionnaire is now being administered to a small sample of school principals and assistant principals in public schools in Metropolitan Pittsburgh and surrounding areas.

The questionnaire consists of 10 vignettes regarding student searches in public schools. You are asked to determine whether the search in each vignette was reasonable and indicate the penalty, if any, that would have been imposed had the search occurred in your school. There are no right or wrong responses to the 10 vignettes. Neither you nor your school will be identified in the study.

Although I am sure that this must be an extremely busy time of the school year for you, we would appreciate it, if you take about 20 minutes of your time to complete and return the questionnaire in the stamped, self-addressed envelope. Since the number of school principals and associate principals participating is very small, and because highly objective data concerning student searches are badly needed, returning the completed questionnaire will contribute greatly to the success of the study.

Please indicate in the space provided at the end of the questionnaire whether you would like to receive a copy of the results.

Sincerely,

A handwritten signature in cursive script, reading "Eugene A. Lincoln".

Eugene A. Lincoln
Associate Professor of Education

A handwritten signature in cursive script, reading "Donald Painter".

Donald Painter, Principal
South Fayette High School

City Schools



University of Pittsburgh

SCHOOL OF EDUCATION
Department of Administrative and Policy Studies

March 9, 1992

Dear Colleague:

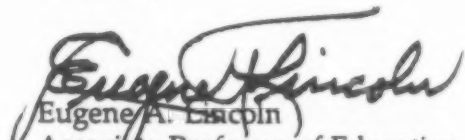
During the past year, a number of educators have worked very hard to develop the enclosed questionnaire. The questionnaire is now being administered to a small sample of school principals and assistant principals in public schools in Metropolitan Pittsburgh and surrounding areas.

The questionnaire consists of 10 vignettes regarding student searches in public schools. You are asked to determine whether the search in each vignette was reasonable and indicate the penalty, if any, that would have been imposed had the search occurred in your school. There are no right or wrong responses to the 10 vignettes. Neither you nor your school will be identified in the study.

Although I am sure that this must be an extremely busy time of the school year for you, we would appreciate it, if you take about 20 minutes of your time to complete and return the questionnaire in the stamped, self-addressed envelope. Since the number of school principals and associate principals participating is very small, and because highly objective data concerning student searches are badly needed, returning the completed questionnaire will contribute greatly to the success of the study.

Please indicate in the space provided at the end of the questionnaire whether you would like to receive a copy of the results.

Sincerely,


Eugene A. Lincoln
Associate Professor of Education



University of Pittsburgh

SCHOOL OF EDUCATION
Department of Administrative and Policy Studies

April 1, 1991

Dear Colleague:

During the past year, a number of educators have worked very hard to develop the enclosed questionnaire. The questionnaire is now being administered to a small sample of school principals and assistant principals in public schools in Metropolitan Pittsburgh and surrounding areas.

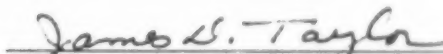
The questionnaire consists of 10 vignettes regarding student searches in public schools. You are asked to determine whether the search in each vignette was reasonable and indicate the penalty, if any, that would have been imposed had the search occurred in your school. There are no right or wrong responses to the 10 vignettes. Neither you nor your school will be identified in the study.

Although I am sure that this must be an extremely busy time of the school year for you, we would appreciate it, if you take about 20 minutes of your time to complete and return the questionnaire in the stamped, self-addressed envelope. Since the number of school principals and associate principals participating is very small, and because highly objective data concerning student searches are badly needed, returning the completed questionnaire will contribute greatly to the success of the study.

Please indicate in the space provided at the end of the questionnaire whether you would like to receive a copy of the results.

Sincerely,


Eugene A. Lincoln
Associate Professor of Education


James D. Taylor, Principal
Myrtle Avenue School

Follow-up

Follow-up



University of Pittsburgh

SCHOOL OF EDUCATION
Department of Administrative and Policy Studies

May 11, 1992

Dear Colleague:

Some time ago, you received a questionnaire regarding student searches in public schools. The questionnaire was mailed to an extremely small sample of public school principals and assistant principals in schools in Metropolitan Pittsburgh and other areas.

Since you have not had an opportunity to complete and return your questionnaire, I am enclosing another questionnaire for your convenience. Obviously, this is a busy time of the school year for you, and many demands are being made upon your time. On the other hand, because the number of participants is extremely small, each questionnaire returned will add significantly to the results of the study. Would you please take about 20 minutes and complete and return the questionnaire in the stamped, self-addressed, envelope?

The questionnaire consists of 10 vignettes regarding student searches. You are asked to determine whether the search in each vignette was reasonable. You are also asked to indicate the penalty, if any, that would have been imposed had the search taken place in your school. There are no right or wrong responses. Neither you nor your school will be identified in the study.

Please indicate in the space at the end of the questionnaire whether you would like to receive a copy of the results.

Sincerely,


Eugene A. Lincoln
Associate Professor of Education